

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

DOREEN NEAL,

Plaintiff,

v.

THOR EQUITIES, LLC,
THOR GALLERY AT SOUTH
DEKALB, LLC,
JOHN DOE, JANE DOE, ABC CO.,
and XYZ, CO.,

Defendants.

CIVIL ACTION
FILE NO: 16A62525

SECOND AMENDED COMPLAINT

COMES NOW, DOREEN NEAL (Plaintiff), by and through the undersigned counsel and hereby files this Second Amended Complaint against THOR EQUITIES, LLC and THOR GALLERY AT SOUTH DEKALB, LLC, (Defendants) and shows this Honorable Court as following:

INTRODUCTION

The preceding paragraphs and allegations are hereby incorporated herein by reference as if fully set forth herein.

1.

Served with this Complaint are Plaintiff's Interrogatories to Defendants, Plaintiff's Request of Production to Defendants, and Plaintiff's Request for Admission to Defendants.

PARTIES, JURISDICTION AND VENUE

The preceding paragraphs and allegations are hereby incorporated herein by reference as if fully set forth herein.

2.

Plaintiff Doreen Neal is an individual and resident of DeKalb County, Georgia and submits to the jurisdiction and venue of this Court.

3.

Jurisdiction is proper as to Defendant Thor Equities, LLC, because it is registered to do business in the state of Georgia, and it has been doing ongoing, regular and substantial business in this State.

4.

Venue is proper in this Court as to Defendant Thor Equities, LLC, because its registered agent, United Corporate Services, Inc., is located in DeKalb County, Georgia, and may be served with a copy of this Complaint in DeKalb County, Georgia at 4228 1st Avenue, Suite 10, Tucker, Georgia 30084.

5.

Jurisdiction is proper as to Defendant Thor Gallery at South DeKalb, LLC, because it is registered to do business in the state of Georgia, and it has been doing ongoing, regular and substantial business in this State.

4.

Venue is proper in this Court as to Defendant Thor Gallery at South DeKalb, LLC, because its registered agent, United Corporate Services, Inc., is located in DeKalb County, Georgia, and may be served with a copy of this Complaint in DeKalb County, Georgia at 4228 1st Avenue, Suite 10, Tucker, Georgia 30084.

FACTS APPLICABLE TO ALL CLAIMS

Plaintiff hereby incorporates by reference the allegations contained in this Complaint for Damages and reasserts said allegations as if fully set forth herein.

7.

On or about March 12, 2015, the date of her injuries, Plaintiff Neal was an invitee of Defendant in accordance with the provisions of O.C.G.A. § 51-3-1, et seq., at The Gallery at South DeKalb, located at 2801 Candler Road, Decatur, Georgia 30034 (hereinafter “the premises”).

8.

Plaintiff Neal, while a lawful invitee on the premises, was proceeding through the mall.

9.

As Plaintiff was proceeding through the mall, she slipped and fell in a puddle of water, which was accumulating as the direct result of a leaking ceiling controlled by Defendants.

10.

As a result of the fall, Plaintiff sustained significant bodily injuries.

COUNT I – NEGLIGENCE – DEFENDANT THOR EQUITIES, LLC

Plaintiff hereby incorporates by reference the allegations contained in this Complaint for Damages and reassert said allegations as if fully set forth herein.

11.

Defendant Thor Equities, LLC, failed to meet common law and statutory duties pursuant to O.C.G.A. §§ 51-3-1 and 51-3-2, et al., to exercise ordinary care in keeping the premises safe and to protect Plaintiff from unreasonable risks of foreseeable harm.

12.

Defendant Thor Equities, LLC, was negligent in failing to keep the premises safe and in repair, as required by law. As the direct and proximate result of Defendant's negligence in failing to keep the premises in safe, Plaintiff slipped on the puddle of water left on the floor of the premises, causing her to sustain personal injuries now and in the future, including bodily injury, pain and suffering.

13.

As a direct and proximate result of Defendant's negligence, Plaintiff incurred medical expenses, in an amount to be proven at trial, for the treatment of the injuries Plaintiff sustained that were caused solely and proximately by Defendants' negligence.

14.

As a direct and proximate result of the Defendant's negligence, Plaintiff has sustained significant bodily injuries. Plaintiff will incur future medical expenses, in an amount to be proven at trial, for the treatment of the injuries caused solely by the negligence of the Defendant.

15.

Plaintiff is entitled to recover of Defendant such reasonable sums as compensatory, general and special damages as may be shown by the evidence.

16.

Defendant Thor Equities, LLC, had actual or constructive knowledge of the condition or conditions on the premises which led to the Plaintiff's injuries.

17.

Plaintiff was without fault in causing the aforementioned incident.

COUNT II – NEGLIGENCE – DEFENDANT THOR GALLERY AT SOUTH DEKALB, LLC

Plaintiff hereby incorporates by reference the allegations contained in this Complaint for Damages and reassert said allegations as if fully set forth herein.

18.

Defendant Thor Gallery at South DeKalb, LLC, failed to meet common law and statutory duties pursuant to O.C.G.A. §§ 51-3-1 and 51-3-2, et al., to exercise ordinary care in keeping the premises safe and to protect Plaintiff from unreasonable risks of foreseeable harm.

19.

Defendant Thor Gallery at South DeKalb, LLC, was negligent in failing to keep the premises safe and in repair, as required by law. As the direct and proximate result of Defendant's negligence in failing to keep the premises in safe, Plaintiff slipped on the puddle of water left on the floor of the premises, causing her to sustain personal injuries now and in the future, including bodily injury, pain and suffering.

20.

As a direct and proximate result of Defendant's negligence, Plaintiff incurred medical expenses, in an amount to be proven at trial, for the treatment of the injuries Plaintiff sustained that were caused solely and proximately by Defendants' negligence.

21.

As a direct and proximate result of the Defendant's negligence, Plaintiff has sustained significant bodily injuries. Plaintiff will incur future medical expenses, in an amount to be proven at trial, for the treatment of the injuries caused solely by the negligence of the Defendant.

22.

Plaintiff is entitled to recover of Defendant such reasonable sums as compensatory,

general and special damages as may be shown by the evidence.

23.

Defendant Thor Gallery at South DeKalb, LLC, had actual or constructive knowledge of the condition or conditions on the premises which led to the Plaintiff's injuries.

24.

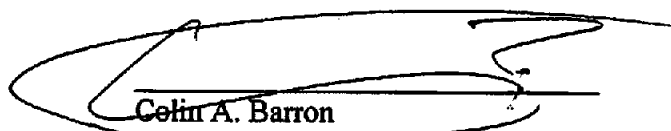
Plaintiff was without fault in causing the aforementioned incident.

WHEREFORE, the Plaintiff prays:

1. That Defendants be served with summons, process and a copy of this Complaint as provided by law;
2. That Plaintiff obtain judgment against the Defendants for general and special damages as determined at trial as well as costs of litigation and expenses;
3. That the Plaintiff be granted a trial by jury as to all triable issues in this cause; and
4. For such other and further relief as this Court deems just and equitable under all circumstances alleged and contained herein.

This 6th day of June, 2017.

HAUG LAW GROUP, LLC



Colin A. Barron
Georgia Bar No.: 812816
Attorney for Plaintiff

STATE COURT OF
DEKALB COUNTY, GA.
6/5/2017 1:56:19 PM
E-FILED
BY: Monique Roberts

8237 Dunwoody Place
Atlanta, Georgia 30350
Phone: 470-258-1322
Fax: 678-528-2999
Email: Colin@HaugLawGroup.com

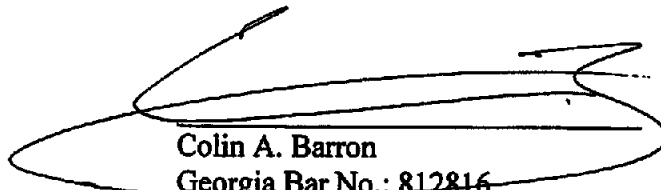
CERTIFICATE OF SERVICE

This is to certify that I have this day served the following counsel of record with a true and correct copy of the foregoing pleading by depositing said copy in the United States Mail, with sufficient postage affixed thereon, and properly addressed to the following:

Zachary J. Nelson, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
1180 Peachtree Street, NE, Suite 2900
Atlanta, Georgia 30309

This 6th day of June, 2017.

HAUG LAW GROUP, LLC



Colin A. Barron
Georgia Bar No.: 812816
Attorney for Plaintiff

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

DOREEN NEAL,

Plaintiff,

v.

THOR EQUITIES, LLC,
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JOHN DOE, JANE DOE, ABC CO.,
and XYZ, CO.,

Defendants.

CIVIL ACTION

FILE NO: 16A62525

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Thor Gallery at South DeKalb

You are hereby summoned and required to file with the Clerk of said Court and serve upon the Plaintiff's attorney, whose name and address is:

Colin A. Barron, Esq.
Haug Law Group, LLC
8237 Dunwoody Place
Atlanta, Georgia 30350

An Answer to the Complaint which is herewith served upon you, within 30 days after service of this Summons upon you exclusive of the day of service. Additionally, find enclosed First Interrogatories to Defendant, First Requests for Production, and Requests for Admission which you must respond to within 45 days after service of this Summons upon you. If you fail respond to the Answer within 30 days, judgment by default will be taken against you for the relief demanded in this Complaint.

6/6/2017

This _____ day of _____, 2017.

/s/ Monique Roberts

By _____
Deputy Clerk

AFFIDAVIT OF SERVICE

State of Georgia

County of De Kalb

State Court

Case Number: 16A62525

Plaintiff:

Doreen Neal

vs.

Defendant:

Thor Equities, LLC, Thor Gallery at South Dekalb, LLC, John Doe, Jane Doe, ABC Co., and XYZ, Co.,

For:

Colin Barron
Haug Law Group
8237 Dunwoody Place
Atlanta, GA 30350

Received by Perma Investigations on the 8th day of June, 2017 at 9:48 am to be served on **Thor Gallery at South Dekalb, LLC c/o United Corporate Services, Inc, 4228 1st Avenue, Suite 10, Tucker, GA 30084.**

I, Christopher Todd Horton, being duly sworn, depose and say that on the **8th day of June, 2017 at 2:30 pm, I:**

served **Thor Gallery at South Dekalb, LLC c/o United Corporate Services, Inc** by delivering a true copy of the **Summons, Second Amended Complaint, Certificate of Service, Plaintiff's First Continuing Interrogatories, Request for Production, and Requests for Admissions to Defendant Thor Gallery at South Dekalb LLC** to: **United Corporate Services, Inc. as Registered Agent, BY LEAVING THE SAME WITH Jody Moore as Legal Assistant / Authorized Agent** at the address of: **4228 1st Avenue, Suite 10, Tucker, GA 30084 .**

Additional Information pertaining to this Service:

6/8/2017 2:30 pm Perfected service at 4228 1st Avenue, Suite 10, Tucker, GA 30084, by serving Jody Moore, legal assistant.

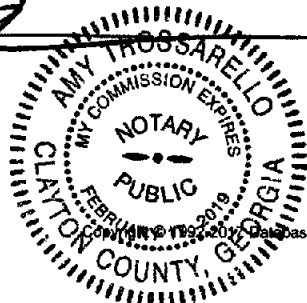
White female
5'6" 140 lbs
Auburn hair
50 years old
No glasses

AFFIDAVIT OF SERVICE For 16A62525

I am an agent of Perma Investigations and am competent in all respects to testify regarding the matters set forth herein. I have personal knowledge of the facts stated herein and know them to be true. I have no interest in the outcome of this action and am not related to any of the parties. I am 18 or more years of age and I have been appointed by this Court to serve process.

Subscribed and Sworn to before me on the 9th day of June, 2017 by the affiant who is personally known to me.

NOTARY PUBLIC




Christopher Todd Horton
Perma

Perma Investigations
2020 Hembree Grove Drive
Roswell, GA 30076
(770) 664-8005

Our Job Serial Number: ANC-2017002310
Ref: Doreen Neal